



Atty. Docket No. DP-308423

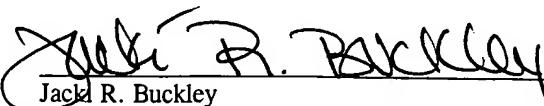
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August 10, 2006

Date



Jack R. Buckley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit : 3661  
Examiner : Gertrude A. Jeanglaude  
Appln. No. : 10/722,706  
Applicant : Peter J. Schubert  
Filing Date : November 23, 2003  
Confirmation No. : 7484  
For : VEHICLE ROLLOVER SENSING USING ANGULAR ACCELEROMETER

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
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REPLY BRIEF UNDER 37 C.F.R. §1.193

This Brief is in reply to the Examiner's Answer mailed on June 14, 2006 and is presented to address issues in the arguments raised by the Examiner in the Answer.

The Examiner has essentially repeated the rejection of claims 1-31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,192,305 to Schiffmann. In response to Appellant's argument presented in the Appeal Brief filed on March 31, 2006, the Examiner disagreed with Appellant's argument because the reference Schiffmann discloses an angular accelerometer as stated in the Office Action. The Examiner specifically stated that the function of the angular accelerometer as stated in the claim 1, is to sense angular acceleration and to produce an output signal, and that it is shown in column 12 and 13 as Schiffmann discloses angular acceleration, and therefore it is known to Schiffmann to employ an angular accelerometer to sense angular acceleration.

The Examiner has again failed to point to any angular accelerometer in the rollover sensing module 10 of Schiffmann. Instead, the Examiner simply points to a disclosed angular

Applicant : Peter J. Schubert  
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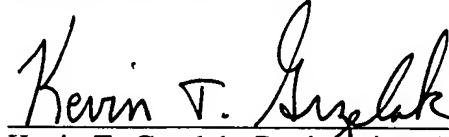
acceleration which is essentially an estimated angular acceleration as estimated by taking the time derivative of a measured rate signal which is sensed with a rate sensor (see column 13, lines 18-23 and block 294 of FIG. 2 of Schiffmann). The two rate sensors and three linear accelerometers shown in Schiffmann are clearly not angular accelerometers.

The Examiner further answered Appellant's Appeal Brief with a statement that Schiffmann discloses a pitch angle in FIG. 2 and an integrator 110 for integrating sensed angular acceleration signal and producing an angular rate, citing column 13, lines 16-23. The integrator 110 of Schiffmann does not integrate a sensed angular acceleration signal and produce an angular rate. Instead, the integrator 110 of Schiffmann receives rate and angle information and outputs updated estimates of current pitch and roll angles. Appellant submits that the Examiner has mischaracterized the Schiffmann patent by alleging that Schiffmann discloses an angular accelerometer and an integrator for integrating sensed angular acceleration signal and producing an angular rate, for use in a roll angle estimation apparatus as set forth in Appellant's claims.

Accordingly, for at least the reasons presented above, when properly considering the cited reference to Schiffmann, the pending claims are not anticipated by Schiffmann and define patentable subject matter. Appellant respectfully requests that the Examiner's rejection of claims 1-31 under 35 U.S.C. §102(b) be reversed, and that the application be passed to issuance forthwith.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 16-2463.

Respectfully submitted,



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8/10/06  
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